



**BEFORE THE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY (TNRERA)
(Tamil Nadu, Andaman & Nicobar Islands)
at Egmore, Chennai – 600 008
[Under the Real Estate (Regulation and Development) Act, 2016]**

C.No.007/2023

17th day of August, 2023

**Coram : Thiru K. Gnanadesikan, I.A.S. (Retired), Chairperson
Er. S. Manohar, Member
Adv. V. Jeyakumar, Member**

1. Mrs. Dhanalaxmi Ramanujam Complainants
2. Mr. S.Ramanujam.

Versus

The Managing Director
M/s. KSM Nirman (Chennai) Pvt. Ltd.Respondent

The above complaint came up for final hearing before this Authority in the presence of the Complainants party in person and of M/s. Fox Mandal & Associates – Counsel for Respondent. This Authority passes the following order:

FINAL ORDER

The Complainants have prayed in their Complaint for rectifying the seepage and leakage issues in their Apartment No.B2-6D in the project "Olympia Grande" at Pallavaram, Chennai promoter by the Respondent Promoter M/s. KSM Nirman (Chennai) Pvt. Ltd.

2. The Complainants have also enclosed the e-mail dated 29.12.2022 sent to the Respondent Promoter stating that they have brought to the notice of employees of the Respondent Promoter in early 2015 regarding the seepage issues in their apartment and the employees of the Respondent Promoter have said they will correct it but never did.

3. In the Counter Statement, the Respondent Promoter has submitted that the apartment was handed over to the Complainant Allottee on 12.12.2014 and therefore, the five year defect liability period as per Section 14(3) of the Act, has expired on 24.07.2019 and hence the Complaint is barred by limitation.

4. In the written submission of arguments, the Complainant Allottees have challenged the above contention of the Respondent Promoter stating that the Complainants sent an e-mail to Mr.Stalin on 14.10.2018 regarding water seepage. The Complainants have also enclosed a copy of the e-mail dated 14.10.2018 along with the written submission of arguments.

5. The Complainant Allottees have brought to the notice of the Respondent Promoter in 2015 as well as on 14.10.2018 i.e. within the defect liability period of five years from the date of handing over possession i.e. before 11.12.2019. Therefore, the Respondent Promoter is bound to rectify the defects as per Section 14(3) of the Act within one month without further charges.

6. Therefore, this Authority directs the Respondent Promoter to rectify the leakage and seepage issues in the Complainant's apartment before 30.09.2023 without any further charges on the Complainant Allottees and file a compliance Affidavit before 15.10.2023.

7. With the above findings and direction, this Complaint is disposed of.

Sd/-...17.08.2023

Sd/-...17.08.2023

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MEMBER (M), TNRERA

MEMBER (J), TNRERA

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. 
17/8/23
ADMINISTRATIVE OFFICER
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